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# REMARKS

Some of the claims are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The subject matter of the rejected claims is accordingly revised and rewritten as new claims 25-33, respectively. The newly entered claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised §112, second paragraph, rejections.

The relationship between the old and new claims is as follows.

| New Claim | <u>Old Claim(s)</u>                         |
|-----------|---|
| 25        | 13 and 14                                   |
| 26        | 15  |
| 27        | 16  |
| 28        | 17  |
| 29        | 18  |
| 30        | 19  |
| 31        | 20  |
| 32        | 23  |
| 33        | 24 (Previous claims 21 and 22 are canceled) |

Claims 13, 20 and 21 are rejected, under 35 U.S.C. § 102, as being anticipated in view of US 6,158,701 to Deshler, ("Deshler `701") and claims 13, 15, 20, 21, 23 and 24 are rejected, under 35 U.S.C. § 103, as being unpatentable over German Patent 40 39 550. The Applicant thanks the Examiner for the indication that claim 14 and 16-19 would be allowable if rewritten to incorporate all the limitations of the base claim and any intervening claims.

Deshler `701 provides a mobile stand on which vehicle parts can be mounted for painting. A wheeled base frame (50) has mounted on it a support rack (30) by way of a telescopic column (12, 13). Although there are few features to compare between the

Deshler `701 stand and the present invention in comparison even with the original claims, Deshler `701 does not have a curved column or a spine whose cross section in the region of the floor stand is greater than at the upper end of the spine. Deshler `701 is not intended to support an electrically powered device but to support sheet metal or other vehicle components for painting. Consequently Deshler has no provision for housing a cable within its structure. Deshler `701 does not provide socket means on the stand for power cable supply to an item mounted on the stand.

With respect to obviousness, claims 13, 15, 20, 21, 23 and 24 are rejected as being unpatentable over German 40 39 550 (Kreuzer `550) which provides a medical equipment trolley (1) for hospital use. It is made up of a wheeled dolly (2) on top of which a tray (21) is supported by way of a column (8). The column (8) also serves to support drawers (22, 23) or pieces of equipment and includes one or more sockets (17, 18) to provide power to equipment mounted on the trolley (1). How the cable is connected to the mains is not disclosed, taught or suggested in any manner. The column (8) is of rectangular cross section and does not vary in cross-sectional area. The possible uses of the tray 21 are not described in the abridgement, but it is of relatively small size.

As Kreuzer `550 is not concerned with providing for a display device as such and does not provide a column in any way relating to that forming a part of the present invention, it is argued that under the circumstances it is unreasonable to assert that a person of ordinary skill in the art would have made a display unit of the present invention on the basis of Kreuzer given the requirements to be met.

In any event, and in accordance with the Examiner's indication of allowable subject matter, the subject matter of claims 13 and 14 are incorporated into new claim 24, and thus in accordance with the indicated allowable subject matter from the July 7, 2006 Office Action,

this claim is now believed to be allowable. As claims 25 -31 depend either directly or indirectly upon claim 24, these claims are believed to be allowable as well.

With respect to the rejection of independent claim 23, now claim 33, this claim has been clarified to more clearly distinguish the claimed invention from Deshler `701 and Kreuzer `550. Keeping in mind the above discussion with respect to Deshler `701 the Applicant notes that different from the present invention Deshler `701 discloses a support comprised of telescoping segments 12 and 13. Applicant's claim 33 includes the recitation, "at least one *contiguous* column extending between the floor mount to which it is attached by a first attachment and the location means which is attached to, or integral with, an upper region of the at least one column", which is not disclosed, taught or suggested in any manner by the Deshler `701 reference. In fact, the very nature of the telescoping supports 12 and 13 teaches away from the contiguous nature of the Applicant's invention as presently claimed.

Turning to Kreuzer `550, this reference fails to teach, disclose or suggest any number of features of the presently claimed invention. Claim 33 recites the specific features of "the column having a longitudinal axis which is curved relative to a straight line extending between the first attachment and the location means" and ". . . a hollow spine defining the channel, the spine having a cross-section in the region of the floor mount which is greater than the cross-section of the spine in the region of the location means". Completely opposite of the present invention, Kreuzer `550 has a symmetrical, straight and unbent column extending between the floor mount 4 and the top support 21.

With respect to the above discussed obviousness rejections of claims 23, now 33, in view of Deshler `710 and separately, Kreuzer `550, under Graham v. John Deere Co., 383 U.S. 1, 148 U.S.P.Q. 459 (1966) and as set forth in MPEP §706.02, in order to establish a prima facie case of obviousness, the Examiner must (1) set forth differences in the claim over the applied references; (2) set forth the proposed modification of the references which would

be necessary to arrive at the claimed subject matter; and (3) explain why the proposed modification would be obvious.

To satisfy step (3), the Examiner must identify where the **prior art** provides a motivating suggestion to make the modifications proposed in step (2), *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). The mere fact that the prior art may be modified as suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification, *In re Fritch*, 922 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Deshler '710 and Kreuzer '550 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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